



Date of Meeting: August 20, 2015

**TOWN OF LEESBURG PLANNING COMMISSION
SUPPLEMENTAL STAFF REPORT**

Subject: TLZM-2013-0006, Crescent Parke
TLOA-2015-0002, Davis Avenue

Staff Contact: Michael Watkins, Senior Planner

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Proposal: **Rezoning Application:** An application to rezone approximately 29 acres from the CD-C (Crescent District-Commercial) and the CD-MUO (Crescent District-Mixed-Use Option) to the CD-RH (Crescent District-Residential High Density); and to rezone approximately two (2) acres from CD-OS (Crescent District-Open Space) to CD-RH. Within the CD-C and CD-MUO districts, the application includes up to 163,625 square feet of nonresidential uses to include: a maximum of 112,500 square feet of office uses, a maximum of 141,125 square feet of retail uses, inclusive of a hotel use subject to a future special exception application and 96 multifamily dwelling units. Within the CD-RH, the application includes 96 stacked townhouses (two-over-two) and 209 conventional townhouses. The application includes several zoning modifications which affect building architecture and site design.

Zoning Text Amendment: A text amendment to Section 7.10.11.2.a of the Zoning Ordinance to remove Davis Avenue from the list of Urban Boulevards in the Crescent Design District.

Planning Commission Critical Action Date: **September 12, 2015**

Recommendations: Staff recommends denial of the proposed text amendment and rezoning applications.

Application Acceptance Date: **April 7, 2014**

Web Link: A comprehensive listing of all application documents is found here:
<http://www.leesburgva.gov/government/departments/planning-zoning/liam-interactive-applications-map>

- I. Planning Commission Review Summary:** The Planning Commission held its public hearing on the Town Plan Amendment application TLTA-2014-0001 and the rezoning application TLZM 2013-0006 on June 4, 2015. The Planning Commission recommended denial of the Town Plan Amendment and continued its discussion of the rezoning application to the July 16, 2015 meeting. A summary of the motion to deny the Town Plan Amendment application is attached, see Attachment #1.

The public hearing for the zoning text Amendment TLOA-2015-0002 was held on July 16, 2015. Victoria Yergin, an officer of the Virginia Knolls HOA, expressed concerns regarding a four-lane boulevard through a residential development. The public hearing was closed and the Planning Commission deferred action on the text amendment application to permit more detailed discussion of the rezoning application before making a decision on the text amendment.

Following the presentation of the zoning text amendment, Staff initiated discussion of the rezoning application by presenting a series of topics. The Planning Commission discussion items included: phasing, unit type, character of mixed-use, the Greenway extension, and Olde Izaak Walton Park. The Planning Commission's focus was on the area south of the Tuscarora Creek. The Applicant's representative stated that they were not prepared to discuss the residential area based on the outline provided in the Planning Commission July 16th Work Session Supplemental Staff Report.

The Planning Commission asked the Applicant whether additional changes were made to the concept plan and/or whether the Applicant expected to make additional changes. The Applicant and his representative answered that no additional changes had been prepared since the public hearing and that additional feedback was expected from the Planning Commission before additional changes would be made. A qualification to the potential revisions was made by the Applicant in that no significant changes were anticipated; that technical zoning and engineering deficiencies highlighted by Staff would be incorporated in a future resubmission. The Work Session concluded with the Applicant stating that they would meet with Staff regarding changes to the Concept Plan.

- II. Action since the July 16, 2015 Planning Commission Public Hearing:** The Applicant and Staff met on July 29th to discuss the Supplemental Staff Report and items raised by the Planning Commission. The meeting was focused on technical elements regarding zoning compliance and engineering related issues. The meeting concluded by identifying the timeframes in which additional information was to be provided to Staff. The Applicant indicated that responses to layout issues identified by Staff would not be incorporated in a future submission.

Anticipating no significant changes in response to issues raised in the June 4th Public Hearing Staff Report or the July 16th Supplemental Staff Report, Staff suggested one-on-one meetings with Planning Commissioners to assemble recommendations to better advise the Applicant and Town Council in the event that no further revisions

were made to the Concept Plan layout. The Planning Commission recommendations are included in Section IV of this report.

As of the writing of this report, no additional information from the Applicant has been provided to Staff.

- II. Staff Analysis:** Due to the fact that no additional information was submitted to Staff, the issues identified in previous Staff reports remain unaddressed. Staff has no additional analysis or information to provide to the Planning Commission.

Staff does not anticipate discussing issues raised in the previous staff reports outside of the recommendations listed in Section IV below. If there are specific items Planning Commissioners would like to ask, Staff will be prepared to facilitate a dialog between the Planning Commission and the Applicant.

- III. Planning Commissioner Recommendations:** Through a series of one-on-one meetings with Planning Commissioners, Staff has compiled a list of recommendations. The recommendations are intended to advise the Applicant of suggested revisions to the Concept Plan layout that would better implement Crescent Design District's goals and objectives. The opinions of the Commissioners varied and there is not complete consensus of some of the topics.

The format of this section outlines the Commissioners' responses received by Staff, followed by questions intended to facilitate discussion. The goal is to formulate a list of recommendations that the Planning Commission can transmit to Town Council with its final action. Staff notes that individual opinions and recommendations will be represented in the Town Council Staff Report. .

In preparation for the work session on August 20th, each Planning Commissioner should:

- Consider her or his view on items A – FF. If a Commissioner thinks of another alternative, it can be proposed during discussion. Staff recommends that straw polls be taken for each item.
- Think about whether a recommendation can or should be made to the Town Council on August 20th or if another work session is warranted.

Davis Avenue

- Davis Avenue should be a boulevard (4-lanes) through the development as planned. This will not promote cut-through traffic into Virginia Knolls as some have contended, but rather the road will collect and channel traffic through this area of Leesburg like it was planned to do. It will serve as an important link in the Town's street grid.
- The width of the road should not be 4-lanes because this does not make for a good connection to Gateway Drive which is 2-lanes with parking on each side. A 4-lane facility is not needed.

- The width of Davis Avenue north of the creek, within the non-residential portion of the development should be 4-lanes. The road should be 2-lanes south of the creek extending to the Greenway Extension.
- Can bike lanes be incorporate into Davis Avenue?
- There should be no on-street parking.
- The bridge across the Tuscarora Creek should be 4-lanes.
- No on-street parking from roundabout to the Greenway Extension.

A. The Planning Commission recommends that Davis Avenue should consist of one of the following:

- i. A four-lane boulevard from existing Gateway Drive to South King Street? or
- ii. A two-lane general urban road from existing Gateway Drive to South King Street? or
- iii. A two-lane general urban road from existing Gateway Drive to south of the Tuscarora Creek bridge crossing and transition to a four-lane boulevard to South King Street?

B. The Planning Commission recommends that bike lanes be incorporated into the Davis Avenue street section and that the typical street section be expanded to incorporate the necessary width for bike lanes required by VDOT?

C. The Planning Commission recommends that on-street parking be excluded if a two-lane road is acceptable to Town Council?

Izaak Walton pond

- Improve the condition of the pond so that if Izaak Walton Pond is proffered to the Town, Town tax money is not spent improving the pond. It could be a nice amenity to the residential area but not in its current state.
- If two acres of the Izaak Walton property situated on the east side of the pond is sold to the applicant for purposes of building residential units for Crescent Parke, the Town should consider terminating the lease for use of the remainder of the Izaak Walton property.
- The Town should not give up two acres of open space on the east side of the pond for the proposed residential development.

D. The Planning Commission recommends that in the event the Applicant proffers to convey the Olde Izaak Walton Park to the Town, a proffer should also be provided where the Applicant shall make all necessary improvements to the existing pond prior to conveyance to the Town of Leesburg.

E. The Planning Commission does not agree that the terms of the lease agreement with the Failmezger Property should be modified to facilitate residential development.

F. In the event Town Council agrees to a change in the terms of the lease agreement to permit residential uses on the east side of the pond within the Failmezger Property, the lease agreement should be terminated.

Unit types

- The 2/2 unit types are ok. The applicant could consider moving the location of these units closer to the non-residential; however, this is not a key issue.
- The 2/2 units are not a preferred unit type because they are often not planned well resulting in having a poor appearance and functionality. For example, driveway lengths do not accommodate full car lengths or larger vehicles; lot sizes are small and do not afford space to conceal private utilities (e.g. electrical boxes, pedestal boxes for communication, or heating/air conditioning units). Garbage cans further clutter driveway spaces. These factors combined make for a cluttered, crowded appearance for two over two neighborhoods.
- There are a lot of 16-foot townhouses in this proposal. These units combined with two-over-two units makes for a very dense development. This could be improved by adding more open space amenity areas. Further, amenity areas need to be *incorporated* into the residential portion of the proposed development south of the creek. There is very little in the way of community-focused amenities – no community meeting rooms/clubhouses, pools, parks. The applicant should focus on making this residential area more livable by adding usable recreation and amenity areas.
- There should be more 22' and 24' townhouses and fewer 16' townhouses.

G. The Planning Commission does not agree that stacked townhouses are an appropriate unit type because the lot sizes are too small to accommodate parking, utility screening and an appropriate landscaping.

H. The Planning Commission recommends that stacked townhouses are more appropriately located closer to the non-residential uses proposed north of the Tuscarora Creek.

I. The Planning Commission does not support the use of 16-foot wide townhouses due to an overall lack of integrated recreational amenity areas.

J. The Planning Commission recommends that 16-foot wide townhouses should be reduced to a smaller proportion of townhouse units.

K. The Planning Commission recommends that the townhouse widths be revised to 22 and 24 feet wide.

Conversion of Non-Residential to Residential

- A substantial amount of residential use is proposed with Crescent Parke where the Town had planned for non-residential uses. Has the applicant done fiscal and market studies to show the need for replacing non-residential with residential use and that that is something the Town should do? There should be a good reason for the Town to depart from planned land use that is in place to achieve economic

development goals. It does not appear that a case has been made for this largely residential plan.

- L. The Planning Commission requests that additional fiscal analysis be provided that demonstrate a need for additional residential dwellings and that the analysis quantifies the consequence of removing commercially zoned land.**

Buffer area next to Greenway Extension

- At this point in time, it is uncertain whether the Greenway Extension will ever get built. The applicant has proffered a right of way reservation so as to not preclude its alignment in the future. However, townhomes are planned directly adjacent to the planned right of way reservation. More buffer width should be shown to separate the Greenway Extension right of way from the residential units. Also more extensive buffer planting materials should be considered. Since the design of the facility has not been done which would tell us the vertical and horizontal alignments of the facility, it is difficult to know whether walls that support this transportation facility would directly abut property lines of Crescent Parke and Virginia Knowles. Since we do not know the design of the facility, a significant buffer area (width and planting) should be shown.
- Because houses are planned so close to the anticipated right of way for the Greenway Extension, there is a likelihood that homes would need to be condemned and removed if/when the road is built. Even though it is difficult to know at this point in time how much right of way will be necessary, we have the opportunity now to assure that homes are not too close to this planned facility by pulling them further away. This will minimize future public expense and community disruption associated with road construction.

- M. The Planning Commission recommends that the Greenway Extension Reservation area be widened to ___ feet to ensure the adequate buffering of existing and proposed residential development adjacent to the future extension of the Dulles Greenway.**

- N. The Planning Commission recommends that the Applicant provide sufficient preliminary engineering to justify the proposed Concept plan layout and buffering in order to demonstrate no adverse impacts of the future extension of the Dulles Greenway to existing and proposed residential development.**

- O. The Planning Commission recommends that the Applicant provide sufficient analysis to demonstrate that condemnation will not be required outside the proposed Greenway reservation area.**

- P. The Planning Commission recommends that buffer-yards at least ___ feet wide be provided outside the Greenway reservation area to adequately mitigate potential adverse impacts of the future Greenway extension.**

Phasing

- The Crescent Design District was developed to get mixed use development. As such, phasing of development in the Crescent District was not deemed necessary because it was anticipated that non-residential uses would be built in concert with residential uses in any given development. The Crescent Parke proposal has mixed use development north of Tuscarora Creek, but the area south of the creek is solely residential. The proposed phasing plan does not require non-residential development to be phased with the construction of the residential component. The phasing plan should be changed to assure that the mixed use development north of the creek is phased with the residential uses south of the creek.
- A phasing plan does not have to be 1:1, non-residential to residential mix. It could be a lesser mix (i.e. more residential to non-residential mix). However, there needs to be a recognition that this property is in the Crescent District and a mixed use development should be assured.

Q. The Planning Commission recommends that a Phasing Program be proffered which requires the Applicant to provide commercial development concurrent with the residential development of the property.

Or

R. The Planning Commission recommends that residential development be limited to a certain amount of residential units until such time as an appropriate amount of commercial development has been constructed.

Or

S. The Planning Commission recommends that a Phasing Program be proffered where a specific ratio of commercial square footage to residential is applied.

Commercial South of Creek

- Consider extension of non-residential land uses south of the creek into what is now proposed solely for residential use. This commercial could line the east side of Davis or both sides, and/or expand into the area west of Davis and north of Gateway Drive extension.
- No commercial should be considered south of the creek because it will not be economically viable.

T. The Planning Commission recommends extending ground-floor non-residential uses south of Tuscarora Creek to better implement the planned land use as commercial mixed-use.

Or

U. The Planning Commission supports the proposed residential zoning without commercial uses south of Tuscarora Creek.

Trees

- The applicant should identify existing tree stand areas and commit to tree save/preservation areas. Site planning should not assume deforestation but rather, work around tree areas as much as possible to save these resources.

V. The Planning Commission recommends that the Applicant commit to tree save/preservation areas. Site planning should not assume deforestation but rather, work around tree areas as much as possible to save these resources

Open Space/Density

- Much of the open space in the residential section is only small, unusable pieces of property.
- This proposal is too dense with residential development and the applicant should consider redesigning it to open the site up by including more common, usable open space.
- Consider reducing the number of units.

W. The Planning Commission recommends that amenity areas be better integrated within the proposed design to promote accessibility to recreation areas and improve upon the overall design.

X. The Planning Commission recommends decreasing the residential density south of Tuscarora Creek to accommodate more common, useable open space.

Recreational uses

- More multi-purpose recreational uses should be incorporated into Crescent Parke.
- If the site planning is not changed to add more recreational uses for the Crescent Parke community, and particularly if two acres of Izaak Walton Park is purchased/used for developing residential units, then the Town should consider a much higher proffer amount per unit for recreation than the benchmark rate of \$1000/unit.
- Amenity area #5 should be a multi-use field and the applicant should proffer to build it.
- All the amenity sheets to the plan set should be proffered.

Y. The Planning Commission recommends that additional multi-purpose recreational facilities be included based on the unmet recreational demands of the residents for this development.

Z. In the event the two acres of planned open space are converted to residential uses, The Planning Commission recommends that the typical recreation contribution of \$1,000 per unit be increased.

AA. The Planning Commission Recommends that Amenity Area #5 be designed and constructed as a multi-use field.

- BB. The Planning Commission recommends that all amenity area sheets be proffered Concept Plan sheets.**

Noise Mitigation

- Noise mitigation should be addressed for townhouses that line the Bypass.

- CC. The Planning Commission recommends that the applicant proffer to mitigate interior and exterior noise attenuation for the units adjacent to the Bypass.**

Overhead Lines

- There should be at least a 100-foot separation between the power lines along the Bypass and the proposed residential units.
- The applicant should get written verification from Dominion Virginia Power regarding how close construction can be to the transmission lines.

- DD. The Planning Commission recommends that the Concept Plan be revised to provide a minimum 100-foot separation of the overhead transmission lines to any residential units.**

- EE. The Planning Commission recommends that the Applicant provide written communication from Dominion Virginia Power which verifies the minimum separation distance of residential structures to their overhead transmission lines.**

Visitor Parking

- The modification request to ask for a reduction in visitor parking is not acceptable.

- FF. The Planning Commission does not support the requested residential parking modifications which would reduce available parking for residents and their visitors.**

IV. Next Steps: The Planning Commission has two items that must be addressed, Zoning Text Amendment TLOA-2015-0001, and rezoning application TLZM 2013-0006.

- A. Zoning Text Amendment TLOA 2015-0001, Davis Avenue:** Staff recommends one of the following courses of action:

- The Planning Commission can defer action until the September 3, 2015 Planning Commission meeting to review the text amendment or to receive addition information;

- OR -

- The Planning Commission can make a recommendation of approval or denial to the Town Council.

B. Rezoning Application TLZM 2013-0006, Crescent Parke: Staff recommends one of the following courses of action:

- The Planning Commission can defer action until the September 3, 2015 Planning Commission meeting to receive revised documents and make a recommendation based on those revised documents.

- OR -

- The Planning Commission can forward the list of recommendations contained in this Staff Report, as revised during the work session, with a recommendation of approval or denial to the Town Council.

V. Suggested Draft Motions: Staff provides the following draft motions for consideration by the Planning Commission.

A. TLOA 2015-0001, Davis Avenue

Denial

I move that Zoning Text Amendment TLOA 2015-0002, Davis Avenue, be forwarded to the Town Council with a recommendation of denial on the basis that the amendment will not serve the public necessity, convenience, general welfare and good zoning practice due to the following reasons:_____.

A recommendation of denial should include reasons as to why the application should be denied. The following reasons could justify denial of the application:

- The amendment is in conflict with the designation for Davis Avenue Extended in the Crescent Design Zoning District.
- The amendment would allow a 2-lane road suitable for local residential traffic only and would remove the four-lane minor arterial that could handle significant commercial traffic as envisioned for the road in the Crescent Design Zoning District.

- OR -

Approval

I move that Zoning Text Amendment TLOA 2015-0002, Davis Avenue, be forwarded to the Town Council with a recommendation of approval on the basis that the proposal would serve the public necessity, convenience, general welfare and good zoning practice.

B. TLZM 2013-0006, Crescent Parke

Denial

I move that Zoning Map Amendment TLZM 2013-0006, Crescent Parke, be forwarded to the Town Council with a recommendation of denial on the basis that the Approval Criteria of Zoning Ordinance Sections 3.3.15 have not been satisfied, and that amendment will not serve the public necessity, convenience, general welfare and good zoning practice due to the following general reasons _____. Further, the Planning Commission requests that the Town Council consider the following recommendations discussed at the Planning Commission's August 20, 2015 Work Session meeting: _____.

A recommendation of denial should include reasons as to why the application should be denied. The following reasons could justify denial of the application:

- The proposal is contrary to current Town Plan land use policies which call for mixed uses or open space on the 29 acres subject to rezoning to high density residential use. .
- Compliance with Crescent District zoning standards has not been adequately addressed and may significantly impact the proposed Concept Plan layout.
- Transportation issues regarding Davis Drive Extension and the Greenway Extension have not been adequately addressed.

Approval

I move that Zoning Map Amendment TLZM 2013-0006, Crescent Parke, be forwarded to the Town Council with a recommendation of approval on the basis that the Approval Criteria of Zoning Ordinance Sections 3.3.15 have been satisfied and that the proposal would serve the public necessity, convenience, general welfare and good zoning practice. However, the Planning Commission requests that the Town Council consider the following recommendations discussed at the Planning Commission's August 20, 2015 Work Session meeting: _____.

Attachments:

1. The Planning Commission's findings of denial for TLTA 2014-0001, Crescent District Uses